

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re PHILIP G. BARRY  
Debtor

Case No. 08-47352  
Reporting Period: 5/1/09 - 5/31/09

Social Security # 5947  
(last 4 digits only)

**MONTHLY OPERATING REPORT  
(INDIVIDUAL WAGE EARNERS)**

**File with the Court and submit a copy to the United States Trustee within 20 days after the end of the month and submit a copy of the report to any official committee appointed in the case.**

*(Reports for Rochester and Buffalo Divisions of Western District of New York are due 15 days after the end of the month, as are the reports for Southern District of New York.)*

REQUIRED DOCUMENTS	Form No.	Document Attached	Explanation Attached
Schedule of Cash Receipts and Disbursements	MOR-1 (INDV)		
Bank Reconciliation (or copies of debtor's bank reconciliations)	MOR-1 (CONT)		
Copies of bank statements			
Disbursement Journal	MOR-2 (INDV)		
Balance Sheet	MOR-3 (INDV)		
Copies of tax returns filed during reporting period			NONE Filed
Summary of Unpaid Post-petition Debts	MOR-4 (INDV)		
Status of Secured Notes, Leases, Installment Payments	MOR-5 (INDV)		
Debtor Questionnaire	MOR-6 (INDV)		

I declare under penalty of perjury (28 U.S.C. Section 1746) that the documents attached to this report are true and correct to the best of my knowledge and belief.

Signature of Debtor

*Philip Barry*

Date 8/7/09

Signature of Joint Debtor

Date \_\_\_\_\_

In re PHILIP G. BARRY  
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**INDIVIDUAL DEBTOR CASH RECEIPTS AND CASH DISBURSEMENTS**

(This Form must be submitted for each bank account maintained by the Debtor)

Amounts reported should be per the debtor's books, not the bank statement. The beginning cash should be the ending cash from the prior month or, if this is the first report, the amount should be the balance on the date the petition was filed. Attach the bank statements and a detailed list of all disbursements made during the report period that includes the date, the check number, the payee, the transaction description, and the amount. A bank reconciliation must be attached for each account. [See MOR-1 (CONT)]

<b>Cash - Beginning of Month</b>	<u>2,883.44</u>	
<b>RECEIPTS</b>		
Wages (Net)		
<b>Interest and Dividend Income</b>		
Alimony and Child Support		
Social Security and Pension Income		
Sale of Assets	<u>143.00</u>	
Other Income (attach schedule)	<u>4900.00</u>	
<b>Total Receipts</b>	<u>5103.00</u>	
Mortgage Payment(s)	<u>4,000.00</u>	
Rental Payment(s)	<u>900.00</u>	
<b>Other Secured Note Payments</b>		
Utilities	<u>578.72</u>	
Insurance	<u>1,482.71</u>	
Auto Expense		
Lease Payments		
IRA Contributions		
Repairs and Maintenance		
Medical Expenses		
Food, Clothing, Hygiene		
Charitable Contributions		
Alimony and Child Support Payments		
Taxes - Real Estate		
Taxes - Personal Property		
Taxes - Other (attach schedule)		
Travel and Entertainment		
Gifts		
Other (attach schedule)	<u>92.59</u>	
<b>Total Ordinary Disbursements</b>	<u>7054.02</u>	
Professional Fees		
U. S. Trustee Fees		
Other Reorganization Expenses (attach schedule)		
<b>Total Reorganization Items</b>		
<b>Total Disbursements (Ordinary + Reorganization)</b>	<u>7054.02</u>	
<b>Net Cash Flow (Total Receipts - Total Disbursements)</b>	<u>(1951.02)</u>	
<b>Cash - End of Month (Must equal reconciled bank statement)</b>	<u>932.42</u>	

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[illegible]

**DISBURSEMENTS FOR CALCULATING U.S. TRUSTEE QUARTERLY FEES: (FROM CURRENT MONTH ACTUAL COLUMN)**

<b>TOTAL DISBURSEMENTS</b>	7,054.02
LESS: TRANSFERS TO OTHER DEBTOR IN POSSESSION ACCOUNTS	
PLUS: ESTATE DISBURSEMENTS MADE BY OUTSIDE SOURCES (i.e. from escrow accounts)	
<b>TOTAL DISBURSEMENTS FOR CALCULATING U.S. TRUSTEE QUARTERLY FEES</b>	7,054.02

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### BANK RECONCILIATIONS

#### Continuation Sheet for MOR-1

A bank reconciliation must be included for each bank account. The debtor's bank reconciliation may be substituted for this page.  
(Bank account numbers may be redacted to last four numbers.)

	Operating # <u>9107</u>	Payroll #	Tax #	Other #
BALANCE PER BOOKS	<u>932.42</u>			
BANK BALANCE	<u>932.42</u>			
(+) DEPOSITS IN TRANSIT (ATTACH LIST)	<u>0</u>			
(-) OUTSTANDING CHECKS (ATTACH LIST):	<u>0</u>			
OTHER (ATTACH EXPLANATION)	<u>0</u>			
ADJUSTED BANK BALANCE *	<u>932.42</u>			

\*"Adjusted Bank Balance" must equal "Balance per Books"

DEPOSITS IN TRANSIT	Date	Amount	Date	Amount
CHECKS OUTSTANDING	Ck. #	Amount	Ck. #	Amount

OTHER



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### BALANCE SHEET

The Balance Sheet is to be completed on an accrual basis only. Pre-petition liabilities must be classified separately from post-petition obligations.

ASSETS	BOOK VALUE AT END OF CURRENT REPORTING MONTH	BOOK VALUE ON PETITION DATE OR SCHEDULED AMOUNT
<b>SCHEDULE A REAL PROPERTY</b>		
Primary Residence		
BUILDING 8126 5 AVE BROOKLYN	1,800,000	1,800,000
LAND - BRASHER, NEW YORK	10,000	10,000
LAND - MELODY LAKE, NEW YORK	600,000	600,000
Other Property (attach schedule)		
<b>TOTAL REAL PROPERTY ASSETS</b>	<b>2,410,000</b>	<b>2,410,000</b>

### SCHEDULE B PERSONAL PROPERTY

Cash on Hand	20.00	135.00
Bank Accounts	932.42	-0-
Security Deposits	1921.00	921.00
Household Goods & Furnishings	1,000.00	1,000.00
Books, Pictures, Art	2,000.00	2,000.00
Wearing Apparel	200.00	200.00
Furs and Jewelry		
Firearms & Sports Equipment		
Insurance Policies		
Annuities		
Education IRAs		
Retirement & Profit Sharing		
Stocks	35,600.240	35,600.240
Partnerships & Joint Ventures		
Government & Corporate Bonds		
Accounts Receivable		
Alimony, maintenance, support or property settlements		
Other Liquidated Debts		
Equitable Interests in Schedule A property		
Contingent Interests		
Other Claims		
Patents & Copyrights		
Licenses & Franchises		
Customer Lists		
Autos, Trucks & Other Vehicles	6,100.00	7,000.
Boats & Motors		
Aircraft		
Office Equipment	1,000.00	1,000.00
Machinery, supplies, equipment used for business	2,113.00	2,000.00
Inventory	390,000.00	390,000.00
Animals		
Crops		
Farming Equipment		
Farm Supplies		
Other Personal Property (attach schedule)		
<b>TOTAL PERSONAL PROPERTY</b>	<b>36,005,526</b>	<b>36,004,496</b>
<b>TOTAL ASSETS</b>	<b>38,415,526</b>	<b>38,414,496</b>

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FORM MOR-3 (INDV)  
2/2008  
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In re PHILIP G. BARRY

Case No. 08-47352  
Reporting Period: 5/1/09-5/31/09

## SUMMARY OF UNPAID POST-PETITION DEBTS

	Number of Days Past Due				
	Current	0-30	31-60	61-90	Over 91
Mortgage		9833	9833	9833	24,761
Rent		628	628	628	967
Secured Debt/Adequate Protection Payments					
Professional Fees					
Other Post-Petition debt ( <i>list creditor</i> )					
<b>Total Post-petition Debts</b>		10,461	10,461	10,461	25,728

**Explain how and when the Debtor intends to pay any past due post-petition debts.**

INCREASE RENTAL INCOME  
INCREASE SALES FROM INVENTORY  
ASSET SALES



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**POST-PETITION STATUS OF SECURED NOTES, LEASES PAYABLE  
AND ADEQUATE PROTECTION PAYMENTS**

NAME OF CREDITOR	SCHEDULED MONTHLY PAYMENT DUE	AMOUNT PAID DURING MONTH	TOTAL UNPAID POST- PETITION
NONE			
TOTAL PAYMENTS			

**INSTALLMENT PAYMENTS**

TYPE OF POLICY	CARRIER	PERIOD COVERED	PAYMENT AMOUNT & FREQUENCY
LIABILITY + FIRE INSURANCE	TOWER INS.	6/09-7/10	488.41 MONTHLY

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### DEBTOR QUESTIONNAIRE

Must be completed each month. If the answer to any of the questions is "Yes", provide a detailed explanation of each item. Attach additional sheets if necessary.		Yes	No
1	Have any funds been disbursed from any account other than a debtor in possession account this reporting period?		✓
2	Is the Debtor delinquent in the timely filing of any post-petition tax returns?		✓
3	Are property insurance, automobile insurance, or other necessary insurance coverages expired or cancelled, or has the debtor received notice of expiration or cancellation of such policies?		✓
4	Is the Debtor delinquent in paying any insurance premium payment?		✓
5	Have any payments been made on pre-petition liabilities this reporting period?		✓
6	Are any post petition State or Federal income taxes past due?		✓
7	Are any post petition real estate taxes past due?	✓	
8	Are any other post petition taxes past due?		✓
9	Have any pre-petition taxes been paid during this reporting period?		✓
10	Are any amounts owed to post petition creditors delinquent?	✓	
11	Have any post petition loans been received by the Debtor from any party?		✓
12	Is the Debtor delinquent in paying any U.S. Trustee fees?		✓
13	Is the Debtor delinquent with any court ordered payments to attorneys or other professionals?		✓

# 7 Real Estate Taxes due 11/31/09  
# 10 Mortgage + Rent Payments



May 01, 2009 through May 29, 2009  
Account Number: 000000748429107

### OTHER WITHDRAWALS, FEES & CHARGES

DATE	DESCRIPTION		# of	AMOUNT
05/18	Deposited Item Returned Items00001	882429		\$4,000.00
05/18	Deposit Item Returned Fee: 01 Items00001	882429		10.00
05/20	Returned Item Fee			35.00
05/29	Service Fee			16.00
Total Other Withdrawals, Fees & Charges				<u>\$4,061.00</u>

A Return Item fee was charged on 05/20 due to insufficient funds in your account.

You can waive the monthly service fee on your Chase BusinessClassic account by maintaining an average checking balance of \$7,500.00 or more during the statement period, linking this account to a qualifying Chase personal checking account or active Chase Business Credit Card, or conducting at least 5 debit card purchases each statement period. If you would like to understand more about your options, please visit any branch or call the number listed on this statement.

### DAILY ENDING BALANCE

DATE	AMOUNT	DATE	AMOUNT
05/01	\$2,429.61	05/20	4,113.31
05/05	1,529.61	05/22	4,017.20
05/07	1,498.02	05/26	4,023.42
05/11	1,641.02	05/28	23.42
05/13	5,641.02	05/29	932.42
05/18	5,631.02		

### SERVICE CHARGE SUMMARY

TRANSACTIONS FOR SERVICE FEE CALCULATION	NUMBER OF TRANSACTIONS
Checks Paid / Debits	13
Deposits / Credits	4
Deposited Items	7
Transaction Total	<u>24</u>

SERVICE FEE CALCULATION	AMOUNT
Service Fee	\$16.00
Service Fee Credit	\$0.00
Net Service Fee	<u>\$16.00</u>
Excessive Transaction Fees (Above 200)	\$0.00
Total Service Fees	<u>\$16.00</u>



May 01, 2009 through May 29, 2009  
Account Number: 000000748429107

## CHECKING SUMMARY

Chase BusinessClassic

	INSTANCES	AMOUNT	
Beginning Balance		\$2,883.44	
Deposits and Additions	5	9,103.00	
Checks Paid	9	- 6,961.43	
Electronic Withdrawals	4	- 31.59	
Other Withdrawals, Fees & Charges	4	- 4,061.00	(4,000 <sup>00</sup> ? NSF CK Dep. + RET)
Ending Balance	22	\$932.42	



## DEPOSITS AND ADDITIONS

DATE	DESCRIPTION	AMOUNT
05/11	Deposit	\$143.00
05/13	Deposit	[4,000.00] NSF CK.
05/18	Deposit	4,000.00
05/26	Insufficient Funds Fee Refund	35.00
05/29	Deposit	925.00
Total Deposits and Additions		\$9,103.00

## CHECKS PAID

CHECK NUMBER	DATE PAID	AMOUNT
1059	05/01	\$71.32 ✓
1060	05/01	71.67 ✓
1061	05/01	310.84 ✓
1062	05/05	900.00 ✓
1063	05/28	4,000.00 ✓
1064	05/20	1,482.71 ✓
1065	05/22	17.22 ✓
1066	05/26	28.78 ✓
1067	05/22	78.89 ✓
Total Checks Paid		\$6,961.43

## ELECTRONIC WITHDRAWALS

DATE	DESCRIPTION	AMOUNT
05/07	Merchant Bnkcd Fee 451218081995 CCD ID: 1113356099	\$17.74
05/07	Merchant Bnkcd Fee 451218081995 CCD ID: 1113356099	10.83
05/07	Merchant Bnkcd Discount 451218081995 CCD ID: 1113356099	2.26
05/07	Merchant Bnkcd Fee 451218081995 CCD ID: 1113356099	0.76
Total Electronic Withdrawals		\$31.59



May 01, 2009 through May 29, 2009  
Account Number: 000000748429107

## BALANCING YOUR CHECKBOOK

**Note:** Ensure your checkbook register is up to date with all transactions to date whether they are included on your statement or not.

1. Write in the Ending Balance shown on this statement: Step 1 Balance: \$ \_\_\_\_\_

2. List and total all deposits & additions not shown on this statement:

Date	Amount	Date	Amount	Date	Amount
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Step 2 Total: \$ \_\_\_\_\_

3. Add Step 2 Total to Step 1 Balance.

Step 3 Total: \$ \_\_\_\_\_

4. List and total all checks, ATM withdrawals, debit card purchases and other withdrawals not shown on this statement.

Check Number or Date	Amount	Check Number or Date	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 4 Total: -\$ \_\_\_\_\_

5. Subtract Step 4 Total from Step 3 Total. This should match your Checkbook Balance: \$ \_\_\_\_\_

**IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:** Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
- The dollar amount of the suspected error
- A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

**IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS:** Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify the bank in writing no later than 30 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.



JPMorgan Chase Bank, N.A. Member FDIC



JPMorgan Chase Bank, N.A.  
Northeast Market  
P O Box 260180  
Baton Rouge, LA 70826-0180

May 01, 2009 through May 29, 2009  
Account Number: 000000748429107

#### CUSTOMER SERVICE INFORMATION

WebSite: Chase.com  
Service Center: 1-800-242-7338  
Hearing Impaired: 1-800-242-7383  
Para Espanol: 1-888-622-4273  
International Calls: 1-713-262-1679



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PHILIP G BARRY  
DEBTOR IN POSSESSION  
477 82ND ST  
BROOKLYN NY 11209-4110



WE WILL WAIVE THE MONTHLY SERVICE FEE ON YOUR CHASE BUSINESSCLASSIC(SM) CHECKING OR CHASE BUSINESSCLASSIC(SM) CHECKING WITH INTEREST ACCOUNT FOR ANY STATEMENT PERIOD YOU MAKE FIVE OR MORE BUSINESS DEBIT CARD PURCHASES. ATM WITHDRAWALS AND CASH ADVANCES DO NOT QUALIFY.

IF YOU WANT TO LEARN MORE ABOUT THIS EXCITING NEW OPTION OR GET A CHASE BUSINESS DEBIT CARD, PLEASE VISIT YOUR NEAREST BRANCH OR CALL US AT 1-800-CHASE38 (1-800-242-7338).

#### IMPORTANT INFORMATION REGARDING FUNDS AVAILABILITY

We are making changes to the Funds Availability Policy. All other terms and conditions still apply. In addition to the routing number prefixes currently considered local, the following prefixes will be added to the Local Availability chart:

Local numbers for deposits made in Oklahoma will also include:  
Effective immediately: 1010, 1011, 1012, 1019, 3010, 3011, 3012, 3019

Local numbers for deposits made in New Jersey and New York will also include:  
Effective immediately: 0420, 0421, 0422, 0423, 0442, 0515, 0519, 0740, 0749, 0813, 0830, 0839, 0863, 2420, 2421, 2422, 2423, 2442, 2515, 2519, 2740, 2749, 2813, 2830, 2839, 2863

Local numbers for deposits made in Connecticut, New Jersey and New York will also include:  
Effective April 17, 2009: 0510, 0514, 0520, 0521, 0522, 0540, 0550, 0560, 0570, 2510, 2514, 2520, 2521, 2522, 2540, 2550, 2560, 2570

Effective July 1, 2009, the following routing number prefixes will be removed from the Local Availability chart:

Local numbers for Florida will no longer include: 1110, 1111, 3110, 3111

Local numbers for Texas will no longer include: 1230, 1231, 1232, 1233, 1250, 1251, 1252, 3230, 3231, 3232, 3233, 3250, 3251, 3252



May 01, 2009 through May 29, 2009  
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## OTHER WITHDRAWALS, FEES & CHARGES

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05/29	Service Fee			16.00
<b>Total Other Withdrawals, Fees &amp; Charges</b>				<b>\$4,061.00</b>

A Return Item fee was charged on 05/20 due to insufficient funds in your account.

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<b>Total Service Fees</b>	<b>\$16.00</b>



May 01, 2009 through May 29, 2009  
Account Number: 000000748429107

## BALANCING YOUR CHECKBOOK

**Note:** Ensure your checkbook register is up to date with all transactions to date whether they are included on your statement or not.

1. Write in the Ending Balance shown on this statement:

Step 1 Balance: \$ \_\_\_\_\_

2. List and total all deposits & additions not shown on this statement:

Date	Amount	Date	Amount	Date	Amount
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Step 2 Total: \$ \_\_\_\_\_

3. Add Step 2 Total to Step 1 Balance.

Step 3 Total: \$ \_\_\_\_\_

4. List and total all checks, ATM withdrawals, debit card purchases and other withdrawals not shown on this statement.

Check Number or Date	Amount	Check Number or Date	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 4 Total: -\$ \_\_\_\_\_

5. Subtract Step 4 Total from Step 3 Total. This should match your Checkbook Balance: \$ \_\_\_\_\_

**IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:** Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
- The dollar amount of the suspected error
- A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

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